

Message Text

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73-61

ACTION IO-03

INFO OCT-01 SS-14 ADP-00 NSC-10 NSCE-00 CIAE-00 INR-10

NSAE-00 RSC-01 PM-03 ACDA-10 SCI-03 L-02 PRS-01 EUR-10

DODE-00 RSR-01 EA-13 INRE-00 /082 W
----- 089410

P R 030217 Z APR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 7284

INFO AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 1 OF 2 USUN NY 01164

LIMDIS

DEPARTMENT REPEAT AS DESIRED

E. O. 11652: GDS

TAGS: TSPA, PFOR, UN, FR, CA, UR

SUBJ: OUTER SPACE LEGAL: FRENCH VIEWS ON THE
REGISTRATION TREATY

1. SUMMARY. IN ACCORDANCE WITH CANADIAN INVITATION, US, USSR, FRANCE AND CANADA HELD LENGTHY PRIVATE DISCUSSION ON REGISTRATION TREATY PM APRIL 2. ASTONISHINGLY, FRENCH DELEGATION APPEARS TO CONSIDER THAT CANADA-FRANCE DRAFT TREATY WOULD NOT RPT NOT COVER MILITARY SPACE ACTIVITIES; THEY ACCORDINGLY HAD APPARENTLY NOT HERETOFORE CONSIDERED THE DETAILS OF THEIR DRAFT TO HAVE ANY MILITARY OR SECURITY INTEREST. WE WILL HAVE AN OPPORTUNITY AT LUNCH WE ARE HOSTING FOR FRENCH DEL 3 APRIL TO CONFIRM OUR UNDERSTANDING OF FRENCH POSITION.

2. DETAILS. CANADIAN REP MILLER ASKED USDEL SHORTLY BEFORE LUNCH 2 APRIL WHETHER WE WOULD BE WILLING TO MEET WITH CANADIAN AND FRENCH DELS LATER IN DAY TO DISCUSS REGISTRATION TREATY PROBLEMS. ALMOST AS AFTER-THOUGHT, MILLER WONDERED WHETHER SOVIET DEL SHOULD BE ASKED TO JOIN. WE SAID WE WOULD BE PREPARED TO MEET
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AND THOUGHT SOVIETS SHOULD BE INVITED SINCE THEIR AGREE-
MENT WAS AN ESSENTIAL FOR ANY MEANINGFUL TREATY IN THIS FIELD.

3. FOUR DELS MET AT CANADIAN MISSION IN AFTERNOON.
WE AGREED TO CANADIAN SUGGESTION THAT THE FOUR SHOULD

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" GAPS" TO BECOME THE SUBJECT OF COMMENT, THE GOF
WOULD REPAY THAT SUCH ACTIVITIES CONCERN FRENCH SECURITY
AND ARE NOT THE PROPER CONCERN OF THE TREATY OR THE UN
(SIC). CHARVET ASKED WHETHER WE AGREED THAT HE MIGHT
BE ABLE TO GAIN AGREEMENT TO A PROVISION IN THE TREATY
THAT WOULD EXPRESSLY EXCLUDE MILITARY ACTIVITIES.
DALFEN SAID THE THOUGHT CANADA WOULD NOT ACCEPT SUCH AN
EXCLUSION. WE INDICATED WE THOUGHT SUCH A PROVISION
WOULD BE NON- NEGOTIABLE AND WOULD PROVOKE UNDERSIRABLE
PUBLIC DISCUSSION INAPPROPRIATE TO THE OUTER SPACE
COMMITTEE FORUM. (COMMENT: WE INTEND TO STRESS THIS POINT.)

6. ON TUESDAY AM WE WILL RECEIVE THE CANDAIN " PRELIMINARY
REVISION" SET FORTH ABOVE, DISCUSSION BETWEEN THE US AND
FRENCH DELS WILL CONTINUE AT NOON, AND CANADA WILL PRESS
THE USSR DEL TO PARTICIPATE IN A CONTINUATION OF THE
FOUR- POWER DISCUSSION SOMETIME DURING COURSE OF THE DAY.
IN THIS LAST CONNECTION, WE SUGGEST THAT IT MIGHT BE DESIRABLE
FOR OUR FOUR DELS TO LEAVE DISCUSSION OF MARKING AND RELATED
PROBLEMS TO THE END AND GO NEXT INTO THE LESS CONTROVERSIAL
ASPECTS OF THE INTERNATIONAL REGISTRY, OFFERS OF
IDENTIFICATION ASSISTANCE, ETC. DALFEN SEEMED TO AGREE.
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DODE-00 EUR-10 EA-13 INRE-00 RSR-01 /082 W

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P R 030217 Z APR 73

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INFO AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 2 OF 2 USUN 1164

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5. SOVIET DEL THEN DEPARTED, HAVING ANOTHER COMMITMENT. WE TOOK THE OPPORTUNITY TO HAVE A PRELIMINARY EXCHANGE WITH CANADIAN AND FRENCH DELS ON MARKING, AND IT WAS IN THIS CONTEXT THAT THE FRENCH REP CHARVET SAID THE FRENCH CONSIDER THAT THE MARKING AND RELATED REQUIREMENTS OF THE CANADA- FRANCE DRAFT WOULD HAVE NO APPLICATION TO MILITARY ACTIVITIES. HE SAID, " OUR MILITARY EXPERTS TOLD US THAT AS LONG AS YOU LEAVE OUR ACTIVITIES ALONE, WE HAVE NO DIFFICULTY WITH YOUR PROPOSAL." WE EXPRESSED ASTONISHMENT AND SAID THAT THE REGISTRATION TREATY WOULD OF COURSE APPLY TO ALL SPACE ACTIVITIES, CIVILIAN OR MILITARY, UNLESS IT PROVIDED OTHERWISE. BY WAY OF EXAMPLE, WE NOTED THAT THE OUTER SPACE TREATY, THE ASTRONAUT AGREEMENT AND THE LIABILITY CONVENTION APPLY TO ALL OUTER SPACE ACTIVITIES IN WHICH THE PARTIES ENGAGE, REGARDLESS OF WHETHER CONDUCTED BY MILITARY OR CIVILIAN AUTHORITIES OF THE PARTIES AND THAT WE HAVE NEVER IN THE UN CONTEXT MADE A DISTINCTION BETWEEN MILITARY AND CIVILIAN ACTIVITIES. CANADIAN DEPUTY REP DALFEN (DEPARTMENT OF COMMUNICATIONS LEGAL ADVISER) MADE SAME POINT TO THE FRENCH AND, IN DUE COURSE, SUMMARIZED, IN A HELPFULLY PROVOCATIVE WAY, THAT, AS HE UNDERSTOOD IT, FRANCE WOULD NOT TRANSMIT ANY INFORMATION CONCERNING FRENCH MILITARY SPACE ACTIVITIES UNDER THE CANADA- FRANCE TEXT; WERE SUCH CONFIDENTIAL

S TOOK UP

TREATY SCOPE MARCH 30 AND FOCUSED ON BULGARIA- USSR PROPOSED REVISION OF SCOPE OF ARTICLE REPORTED BY 1972 LEGAL SUBCOMITE. US READ OUT TEXT OF SCOPE ARTICLE MAKING TREATY APPLICABLE TO MOON, PLANETS AND OTHER CELESTIAL BODIES OF SOLAR SYSTEM. AFTER INCONCLUSIVE DISCUSSION OF PROSPECTIVE NEED FOR SEPARATE TREATIES, UKDEL PRESENTED ANOTHER TEXT, WHICH, AS IN BULGARIAN DRAFT, WOULD REFER ONLY TO " MOON". LATER, SOVIETS REMARKED TO USDEL UK PROPOSAL " MIGHT BE ACCEPTABLE." IT WAS AGREED, ON FRENCH SUGGESTION, THAT, IN VIEW APPARENT PROGRESS, WORK CONTINUE TWO MORE DAYS INSTEAD OF TURNING TO REGISTRATION AS PREVIOUSLY SCHEDULED. (LIMITED OFFICIAL USE-- USUN' S 1132)

BEGIN UNCLASSIFIED

OUTER SPACE LEGAL SUBCOMITE--

CANADA INTRODUCED REVISED CANADA- FRANCE DRAFT REGISTRATION CONVENTION APRIL 2 AND SAID SPONSORS OF THAT AND OF US PROPOSAL AGREED MEET PRIVATELY TO SEE IF THEY COULD " COME TO SOME AREA OF ACCOMMODATION." GENERAL EXCHANGE OF VIEWS CONTINUED WITH STATEMENTS BY REPS ARGENTINA, ROMANIA, SIERRA LEONE, UK AND MEXICO. ARGENTINA HOPED UN SYG WOULD BE DEPOSITARY FOR MOON TREATY, BUT IF NOT THAT TREATY COULD ENTER INTO FORCE AFTER FIFTH RATIFICATION; REQUIRING RATIFICATION BY DEPOSITARY GOVTS WOULD MEAN " VIRTUAL VETO." UK THOUGHT APPROACH IN NEW US PROPOSAL SEEMED EMINENTLY PRACTICABLE. CANADA EXPRESSED APPRECIATION TO US FOR ITS " INTERNATIONALLY ENLIGHTENED CHANGE OF SECRET

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POLICY."

SEABED COMITE--

SUBCOMITE I-- WG CHAIRMAN REPORTED TO SUBCOMITE MARCH 30 ON PROGRESS ON SEABED REGIME PRINCIPLES AND ANNOUNCED SECOND READING CONCLUDED ON 22 ARTICLES. CHILE REPEATED REQUEST FOR FURTHER MEETINGS FOR POLITICAL DEBATE ON REGIME PRINCIPLES. BRAZIL COMMENTED WG REPORT COULD BE MODIFIED BY FULL COMITE, AND US RESPONDED THAT IF AGREED TEXTS LATER CHANGED IT WOULD INHIBIT DELS FROM MAKING CONCESSIONS IN WG. NEPAL, SUPPORTED BY AFGHANISTAN, COMPLAINED THAT LANDLOCKED STATES NOT SUPPORTED IN ARTICLE ON ACCESS TO AREA. NORWAY SUPPORTED US PROPOSAL ON PROVISIONAL REGIME, AND ALSO STATED SPECIAL POSITION OF TECHNOLOGICALLY ADVANCED COUNTRIES ON COUNCIL WOULD HAVE TO BE RECOGNIZED.

SUBCOMITE I WORKING GROUP-- WITHOUT DEBATE MARCH 29, WG APPROVED ART. XVII (DUE REGARD TO RIGHTS, ETC., OF COASTAL STATES), INCLUDING ALTERNATIVE TEXTS FOR SECOND PARA, AND APPROVED NEW ARTICLE ON ARCHEOLOGICAL AND HISTORICAL OBJECTS. ARTICLE ON FREE ACCESS TO AREA FOR LANDLOCKED STATES WAS DEBATED, AND FINAL AGREEMENT REACHED ON IT MARCH 30 WHEN MOROCCO AND SPAIN AGREED TO ELIMINATE MOROCCAN FOOTNOTE AND, ACCORDINGLY, US ADDITION. THIS COMPLETED SECOND READING OF REGIME PRINCIPLES AND WG BEGAN CONSIDERATION OF MACHINERY SECTION. BRAZIL, MALTA AND PERU URGED ISOLATING KEY DIFFERENCES AND PRODUCING ALTERNATIVE TEXTS FOR LOS CONFERENCE, WHILE US URGED ATTEMPTING FIND COMMON AGREEMENT FOR UNLESS DRAFTS BROADLY SUPPORTED IT WOULD NOT BE POSSIBLE OBTAIN SUFFICIENT RATIFICATIONS. USSR APPEALED FOR SEARCH FOR COMMON ELEMENTS AND NOTED

SOVIETS BELIEVED TO CERTAIN EXTENT INTERNATIONAL AUTHORITY
CAN EXPLOIT RESOURCES PROVIDED STATES HAVE FULL CONTROL.

SUBCOMITE II WORKING GROUP-- SUBSTANTIVE DEBATE MARCH 30
CONCENTRATED LARGELY ON TERRITORIAL SEA. NIGERIAN REP
INDICATED FLEXIBILITY ON 30- MILE TERRITORIAL SEA, AND
UK REP STRONGLY SUPPORTED US PROPOSALS. FRANCE SUGGESTED
CONCRETELY DEFINING RIGHTS OF COASTAL STATES WELL AS THOSE
TO BE RESERVED TO OTHER STATES. VIEWS ALSO EXPRESSED BY
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NORWAY, TURKEY, URUGUAY, INDONESIA, GREECE, CYPRUS, PERU,
SINGAPORE, ITALY, DENMARK AND ARGENTINA.

SUBCOMITE III-- IT WAS AGREED MARCH 29 THAT WG ON SCIENTIFIC
RESEARCH WOULD HAVE 33 MEMBERS (10 AFRICANS, 7 ASIANS,
4 EE'S, 6 WEO'S, 6 LA'S) AND REGIONAL CHAIRMEN WERE
REQUESTED SUBMIT NAMES OF MEMBERS. (PRIVATELY, CHAIRMAN TOLD
USDEL US WOULD BE INCLUDED AND WEO'S WOULD HAVE FIVE SEATS.)
IMCO REP REPORTED ON STATE OF PREPARATIONS FOR 1973
IMCO CONFERENCE. US CALLED FOR BROAD PARTICIPATION IN
CONFERENCE AND PRESENTED VIEWS ON PROMOTING MARINE
SCIENTIFIC RESEARCH, REITERATING NATIONAL ACADEMY'S
PROPOSAL THAT " OPEN SCIENTIFIC RESEARCH" AND " LIMITED
COMMERCIAL EXPLORATION" BE DISTINGUISHED. OTHER SPEAKERS
INCLUDED PERUVIAN REP WHO ASSERTED FREEDOM OF SCIENTIFIC
RESEARCH WOULD RESULT IN ANARCHY.

SUBCOMITE III WORKING GROUP 2-- WG MARCH 30 BRIEFLY
DISCUSSED GLOBAL REGIONAL COOPERATION AND TA. (USUN'S
1142-1145 , 1147, 1148)

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*** Current Handling Restrictions *** LIMDIS
*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 03 APR 1973
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: thigpegh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN01164
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: RR
Errors: n/a
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730432/aaaahmvx.tel
Line Count: 263
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: thigpegh
Review Comment: n/a
Review Content Flags:
Review Date: 15 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15-Aug-2001 by shawdg>; APPROVED <31-Oct-2001 by thigpegh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971120
Subject: OUTER SPACE LEGAL: FRENCH VIEWS ON THE REGISTRATION TREATY
TAGS: PFOR, TSPA, CA, FR, UN, UR
To: IO
PARIS
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005